



PATENT
Attorney Docket: 3006.001800/KDG

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **FUEL CELL ELECTRODE COMPRISING CARBON NANOTUBES**, the Specification of which was filed on **October 31, 2003** as Application Serial No. **10/698,964**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 and/or § 365 of any foreign application(s) for patent or inventor's certificate, PCT international application(s), and United States provisional application(s), listed below and have also identified below any foreign application for patent or inventor's certificate, PCT international application, or United States provisional application, having a filing date before that of the application on which priority is claimed:


PRIORITY APPLICATION(S)			Priority Claimed
60/422,799	US provisional	October 31, 2002	Yes
(Number)	(Country)	(Date Filed)	Yes/No
60/468,326	US provisional	May 6, 2003	Yes
(Number)	(Country)	(Date Filed)	Yes/No
60/501,707	US provisional	September 2, 2003	Yes
(Number)	(Country)	(Date Filed)	Yes/No

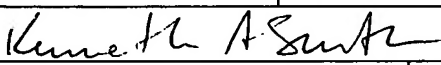
I hereby claim the benefit under Title 35, United States Code, § 120 and/or § 365 of any United States application(s) and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which becomes available between the filing date of the prior application and the national or PCT international filing date of this application:

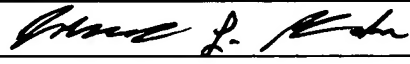
(Application Serial No.)	(Filing Date)	(Status)
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Kenneth D. Goodman, Williams, Morgan & Amerson, P.C., 10333 Richmond, Suite 1100, Houston, Texas 77042, (713) 934-4094.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	KENNETH	O.	McELRATH
Inventor's Signature:			
Country of Citizenship:	USA	Date:	2-25-04
Residence Address: (street, number, city, state, and/or country)	4314 Village Corner Drive Houston, Texas 77059		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	KENNETH	A.	SMITH
Inventor's Signature:			
Country of Citizenship:	USA	Date:	2-25-04
Residence Address: (street, number, city, state, and/or country)	11322 Birdwing Lane Houston, Texas 77067		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	JEFFREY	L.	BAHR
Inventor's Signature:			
Country of Citizenship:	USA	Date:	2-25-04
Residence Address: (street, number, city, state, and/or country)	12910 Aste Lane Houston, Texas 77065		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	THOMAS	J.	WAINERDI
Inventor's Signature:	<i>Thomas J. Wainerdi</i>		
Country of Citizenship:	USA	Date:	2/25/04
Residence Address: (street, number, city, state, and/or country)	4602 Stackstone Lane Katy, Texas 77450		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	DAVID	A.	KAROHL
Inventor's Signature:	<i>David A. Karohl</i>		
Country of Citizenship:	USA	Date:	2/25/04
Residence Address: (street, number, city, state, and/or country)	2901 Bammel Lane #12 Houston, Texas 77098-11303		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	DANIEL	T.	COLBERT
Inventor's Signature:	<i>Daniel T. Colbert</i> 2-26-04		
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	5055 Highway 6 North, Apt. 314 Houston, Texas 77084		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	MICHAEL	ANDREW	MILLER
Inventor's Signature:			
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	12219 Stable Road Drive San Antonio, Texas 78249		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	HENRY	WAYNE	OVIATT
Inventor's Signature:			
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	1803 Oak Thicket Lane San Antonio, Texas 78255		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	ERIC	D.	CLINE
Inventor's Signature:			
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	417 Downer Street Westfield, New Jersey 07090		
Post Office Address: (if different from above)	same as above		



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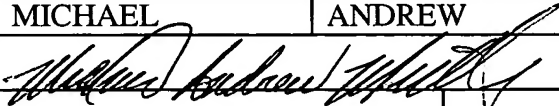
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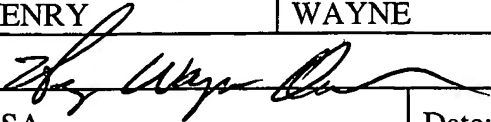
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Inventor's Full Name:	DANIEL	T.	COLBERT
Inventor's Signature:			
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Residence Address: (street, number, city, state, and/or country)	5055 Highway 6 North, Apt. 314 Houston, Texas 77084		
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Inventor's Full Name:	MICHAEL	ANDREW	MILLER
Inventor's Signature:			
Country of Citizenship:	USA	Date: 3/8/04	
Residence Address: (street, number, city, state, and/or country)	12219 Stable Road Drive San Antonio, Texas 78249		
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Inventor's Full Name:	HENRY	WAYNE	OVIATT
Inventor's Signature:			
Country of Citizenship:	USA	Date:	3-11-04
Residence Address: (street, number, city, state, and/or country)	1803 ^{8301 Hmo} Oak Thicket Lane San Antonio, Texas 78255		
Post Office Address: (if different from above)	same as above		

Inventor's Full Name:	ERIC	D.	CLINE
Inventor's Signature:			
Country of Citizenship:	USA	Date:	04-Mar-2004
Residence Address: (street, number, city, state, and/or country)	417 Downer Street Westfield, New Jersey 07090		
Post Office Address: (if different from above)	same as above		



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KENNETH O. McELRATH ET AL.

Serial No.: 10/698,964

Filed: October 31, 2003

For: FUEL CELL ELECTRODE COMPRISING
CARBON NANOTUBES

Group Art Unit: 1745

Examiner: Unknown

Attorney Docket: 3006.001800/KDG

CUSTOMER NO. 23720

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints the practitioners at Customer Number 23720.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to CARBON NANOTECHNOLOGIES, INC., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Kenneth D. Goodman
WILLIAMS, MORGAN & AMERSON, P.C.
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4094

ASSIGNEE:
CARBON NANOTECHNOLOGIES, INC.

By: Bob G Gower

Printed Name: Bob G Gower

Title: President, CEO

Date: 2-25-04

ASSIGNMENT:

- ☒ Concurrently filed
☐ Previously recorded

Date: _____

Reel: _____

Frames: _____